

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 22938 of 2007(E)

PETITIONER:

**1. SONEY TITUS, AGED 36 YEARS,
S/O. C.T. TITUS, CHERUKARA HOUSE, MADAMON P.O.,
VADASSERIKKARA, PATHANAMTHITTA.**

**2. BEENA SONEY, AGED 31 YEARS,
W/O. SONEY TITUS, -DO- -DO-.**

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:

**1. THE SUB REGISTRAR,
PERUNAD, PATHANAMTHITTA.**

**2. THE STATE OF KERALA,
REP. BY THE SECRETARY, DEPARTMENT OF
REGISTRATION, KERALA GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C) NO.22938/2007

APPENDIX

PETITIONER'S EXHIBI

EXT.P1:- COPY OF THE MARRIAGE CERTIFICATE ISSUED BY THE VICAR OF ST.JOHN'S CHURCH, VADASSERIKKARA.

EXT.P2:- COPY OF THE RELEVANT PAGES OF THE PASSPORT OF THE 1ST PETITIONER.

EXT.P3:- COPY OF THE RELEVANT PAGES OF THE PASSPORT OF THE 2ND PETITIONER.

EXT.P4:- COPY OF THE MARRIAGE INVITATION CARD.

EXT.P5:- COPY OF THE APPLICATION SUBMITTED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT.

EXT.P6:- COPY OF THE RECEIPT DT. 24.7.07.

/TRUE COPY/

P.S. TO JUDGE

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ANTONY DOMINIC, J.

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W.P.(C) No. 22938 OF 2007 E
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Dated this the 23rd October, 2007

J U D G M E N T

The prayer in this writ petition is to permit the 2nd petitioner to sign the marriage certificate as provided in Section 16 of the Special Marriage Act, 1954 through her power of attorney and further to direct the respondents to issue marriage certificate on that basis. A Division Bench of this Court has already held in **Deepak Krishna v. District Registrar** {2007 (3) KLT 570} and **Vipin V. Rajan v. Sub Registrar** {ILR 2007 (3) Kerala 452} that the notice period mentioned in Sections 15 and 16 cannot be dispensed with.

2. Now the prayer made by the petitioners is that on account of their pre-occupation abroad they cannot wait to sign the register as required under Section 16. If the prayer made by the petitioner is allowed, that is virtually permitting them to get over the rigor of Section 16 which provides that after the notice period

"the party" shall sign the marriage register. Signing the marriage register is not a matter of mere procedure, but is a solemn duty of the parties to the marriage. For this the parties to the marriage themselves should be present and an agent cannot be permitted to sign the marriage register. Therefore the prayer cannot be granted. However, once signatures are put by the respective parties themselves, collection of certificates can be done by authorised agents and there should not be any impediment in that. This, if the petitioners so desire, can be allowed on an appropriate application made to the marriage officer.

Writ petition fails and is disposed of.

**ANTONY DOMINIC
JUDGE**

jan/-